

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ELIZABETH CHAN, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

Case No. 23-cv-10365-LJL
[rel. 1:24-cv-01644-LJL]
[rel. 1:24-cv-000367-LJL]

DECLARATION OF CHAIM KATZ

I, Chaim Katz, declare under penalty of perjury that the following statements are true and correct:

1. My name is Chaim Katz, and I reside on Grand Street in the Lower East Side.
2. My family has lived in the Lower East Side since the late 1800s. Most of my family still lives here, including my 95-year-old grandparents, my parents, siblings, and cousins.
3. The Congestion Pricing plan will negatively impact the health and finances, as well as the social wellbeing of most residents in the area (including myself), especially the elderly and poor residents who make up a significant portion of its residents.
4. I am the Executive Director of Home of the Sages of Israel, which is a non-profit which caters to Jewish senior citizens located in in the Lower East Side. Senior citizens are driven daily from Williamsburg to Home of the Sages of Israel to study, pray, and receive financial support from our institution. These senior citizens depend on the services of Home of Sages to continue functioning in their old age.

5. I live a block away from FDR Drive, which will see added congestion due to the increase in cars that will drive on the thoroughfare to avoid the toll. This will increase pollution to my neighborhood, which is already an Environment Justice area, and one of the poorest zip codes in the City. The increased pollution threatens health impacts for myself and members of my community. This is especially true given that the recent East River Resiliency project has uprooted hundreds of trees in that very area and is especially vulnerable to pollution.

6. The entire southeast quadrant of Manhattan should not have been included in the “Central Business District” and arguably should not be included in the toll; we are a residential area and should be treated no differently than those who live north of 60th Street according to the zoning map.

7. The proposed congestion pricing will force many of the Jewish residents, including myself, to move out of the neighborhood due to the necessity of regular travel out of the zone to buy Kosher food, visit our medical providers, and commute to Brooklyn daily for many of our Yeshiva schools. Public transit is not a viable option, due to our large families. And while some think subway service is the answer for anyone who lives in Manhattan, we are close to a mile from the nearest train.

8. I have six children between the ages of 5 and 18. My children’s pediatrician, who we visit regularly, is located in Williamsburg. I am unable to use public transportation to take my children to their appointments, as it would not only be irresponsible to take sick children on public transportation, but, as mentioned above, the nearest subway station is close to a mile away.

9. Congestion Pricing will impact every aspect of my social life, as I regularly visit with friends and family outside of Lower Manhattan. I make regular trips to Passaic, New

Jersey to visit immediate family members. I also regularly attend important social functions such as weddings and bar mitzvahs in Brooklyn and Lakewood, New Jersey. I further travel to Brooklyn and New Jersey to attend funerals, as there is no Jewish funeral home in Lower Manhattan.

10. There is no kosher grocery store in all of Lower Manhattan, so I regularly shop for my family's groceries in Brooklyn. As I provide for a family of eight, there is no feasible way to carry numerous boxes of food back to my home using public transportation, so I must use my car.

11. There is no Jewish high school for girls in Lower Manhattan, so several of my children attend school daily at Bais Yaakov D'Rav Meir High School located in Brooklyn. I need to drive there regularly to pick them up and attend extracurricular activities, such as school plays.

12. The local Jewish boys and girl schools, which are age-old institutions, will be forced to shutter, as most of the school body and faculty commute from out of the zone and will find the daily toll oppressive. This program has a disparate impact on Jewish residents.

13. This area is a "Naturally Occurring Retirement Community" (NORC), and the thousands of senior citizens including my grandparents will be negatively impacted, aside from the financial aspect which is tremendous; socially they depend on family and friends to visit them, and the visits will be severely diminished due to the toll. Loneliness especially for the elderly is a killer.

14. I and many in the Lower East Side community believe that congestion pricing will drive a further—and perhaps final—nail in the LES Jewish community. Gentrification,

with soaring housing prices, has driven many of the local Orthodox community from the neighborhood. The additional fee, just as a result of residing here, threatens to drive out those remaining outside of the affluent newcomers.

15. The congestion pricing scheme is a money grab for MTA, which has been mismanaged for decades, and has consistently been failing. If there was a sincere interest in reducing congestion, there are many other options that could mitigate the congestion. A lot of the congestion was self-created, due to the City's aggressive policy of reducing miles of driving areas.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 15, 2024
New York, New York



Chaim Katz